

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

PAUL MCGARRY,

Plaintiff,

v.

PAUL A. PASTOR, et al.,

Defendants.

No. 12-cv-5199-RBL

ORDER

[Dkt. #20]

Laura McGarry, the mother of the named-petitioner, has moved for reconsideration of the Court's order dismissing the habeas petition she filed on her son's behalf. (*See* Order, Dkt. #18.) The Court adopted the magistrate judge's recommendation because it is unclear whether Paul McGarry is even aware that a habeas petition has been filed on his behalf and because Ms. McGarry is not a lawyer permitted to practice law. (*See* Report and Recommendation, Dkt. #10.) Ms. McGarry's petition states that her son suffers from a mental disorder, pericarditis, Lyme disease, and a brain infection. Ms. McGarry learned this from her son's Facebook account, in which he states that he is "fine." (*See* Dkt. 20-1.)

Under Local Rule 7(h):

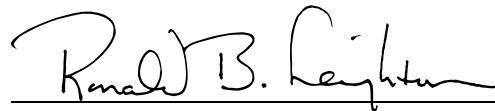
Motions for reconsideration are disfavored. The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence.

The Ninth Circuit has called reconsideration an "extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources." *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000) (quoting 12 James Wm. Moore et al., *Moore's*

1 *Federal Practice* § 59.30[4] (3d ed. 2000). “Indeed, a motion for reconsideration should not be  
2 granted, absent highly unusual circumstances, unless the district court is presented with newly  
3 discovered evidence, committed clear error, or if there is an intervening change in the controlling  
4 law.” *Id.* (quoting *389 Orange Street Partners*, 179 F.3d 656, 665 (9th Cir. 1999)).

5 Ms. McGarry has presented no grounds for reconsideration. She has improperly filed a  
6 habeas petition on her son’s behalf, and he is represented in state court by an attorney. The  
7 Court properly dismissed the petition.

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9 Dated this 24th day of July 2012.

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12 Ronald B. Leighton  
13 United States District Judge  
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